

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ALLEN S. MEREDITH,

Plaintiff,

v.

R. ARANAS, et al.,

Defendants.

Case No. 3:14-cv-00161-MMD-VPC

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOK

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (dkt. no. 38) ("R&R") relating to defendants' motion to dismiss. (dkt .no. 29) based on plaintiff's failure to comply with Local Special Rule ("LSR") 2-2 requiring plaintiff to change his address. No objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
3 view that district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).


8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Cooke's R&R. The R&R recommended
10 granting the motion to dismiss with prejudice based upon Plaintiff's failure to notify the
11 Court of his change of address pursuant to LSR 2-2. The R&R indicated that Plaintiff's
12 last filing in this case was on December 18, 2014, when he notified the Court of his
13 change of address. (Dkt. nos. 38, 26.) The R&R further indicated that Plaintiff failed to
14 appear at a scheduled hearing set for January 20, 2015. (Dkt. no. 38 at 1.) The last two
15 orders of the Court, including the R&R, that were mailed to Plaintiff were returned as
16 underdeliverable. (Dkt. nos. 39, 40.) Upon reviewing the R&R and records in this case,
17 this Court finds good cause to adopt the Magistrate Judge's R&R in full.

18 It is therefore ordered, adjudged and decreed that the Report and
19 Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 38) is accepted and
20 adopted in its entirety.

21 It is ordered that defendants' motion to dismiss (dkt. no. 29) is granted.

22 It is further ordered that this action is dismissed with prejudice for plaintiff's failure
23 to comply with LSR 2-3.

24 DATED THIS 11th day of May 2015.

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27 _____
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE